

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 07-09-03 Item: 3.g.	
	File Number PDC01-12-103	
	Application Type Planned Development Zoning	
	Council District 3	
	Planning Area Rincon South	
	Assessor's Parcel Number(s) 230-30-111, -112, -113, -114 & -115	
PROJECT DESCRIPTION		
Completed by: Mike Mena		
Location: North west corner of North First Street and Gish Road (Rincon South Planned Community)		
Gross Acreage: 0.67 Net Acreage: 0.67 Net Density: 38.3 DU/AC		
Existing Zoning: R-2 Two Family Residence Existing Use: 5 residential duplex units. District		
Proposed Zoning: A(PD) Planned Development Proposed Use: Up to 26 multi-family attached residential units		
GENERAL PLAN		
Completed by: MM		
Land Use/Transportation Diagram Designation Transit Corridor Residential (25-65 DU/AC) and General Commercial		
Project Conformance: [] Yes [X] No [X] See Analysis and Recommendations		
SURROUNDING LAND USES AND ZONING		
Completed by: MM		
North: Multi-family Attached Residential R-M Multiple Residence District		
East: Vacant and Hotel CN Commercial Neighborhood		
South: Commercial/Restaurant CN Commercial Neighborhood		
West: Single-Family Detached Residential R-1 Single-Family Residence District		
ENVIRONMENTAL STATUS		
Completed by: MM		
[] Addendum to Environmental Impact Report [] Exempt [] Negative Declaration circulated on June 09, 2003 [] Environmental Review Incomplete [X] Negative Declaration adopted on June 30, 2003		
FILE HISTORY		
Completed by: MM		
Annexation Title: Rosemary Garden Unit No. 1 Date: March 29, 1946		
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
[] Approval Date: _____ Approved by: _____ [] Approval with Conditions [] Action [] Denial [] Recommendation [] Uphold Director's Decision		
APPLICANT/OWNER		
John Moniz Jerry C. Chen HMH, Inc. Bellagio Gardens LLC 1570 Old Oakland Road 1816 Tully Road, Suite 202 San Jose, CA 95110 San Jose, CA 95122		

PUBLIC AGENCY COMMENTS RECEIVED**Completed by: MM**

Department of Public Works
See Attached.

Other Departments and Agencies
Santa Clara Valley Transportation Authority (see attached)
Environmental Service Department (see attached)

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Bellagio Garden LLC, is proposing to rezone a 0.67 gross acre site on the northwest corner of North First Street and Gish Road from R-2 Two-Family Residence District to A(PD) Planned Development Zoning District.

The proposed rezoning would allow the development of a three-story building with up to 26 multi-family attached residential units, a 43-parking space surface parking lot and a small amount of landscaped area. The residential development would consist of 4 studio units and 22 one-bedroom units.

Five single-story duplex residences currently occupy the site. The surrounding land uses consist of multi-family apartments immediately to the north, a hotel and a vacant lot to the east across North First Street, single-family detached residential (the Rosemary Gardens residential neighborhood) to the west and a restaurant and associated parking lot to the south. The vacant lot located across North First Street is the site of a currently pending Planned Development Rezoning for a vertical mixed-use development consisting of 3,230 square feet of commercial/retail space on the ground floor and 22 multi-family residential units above. The Planning Commission recommended approval for that Planned Development Rezoning in July 2002; however, the project is still pending a City Council hearing in response to neighborhood concerns regarding parking ratios and the proposed commercial uses on the site.

The project site is located within the Rincon South Specific Plan area. The Rincon South Specific Plan, adopted by the City Council in 1998, establishes a long-term development plan for approximately 465 acres in north San Jose. The major features of the Specific Plan are incorporated directly into the General Plan in the Rincon South Planned Community. The Rincon South Specific Plan supplements the General Plan and is essential to the understanding and implementation of the Planned Community by addressing the allowed uses, implementation measures and development criteria at a level of detail beyond the scope of the General Plan.

The Rincon South Specific Plan is intended to take advantage of an infill location, which is bounded by US Highway 101 to the north and east, Interstate 880 to the south and State Route 87 and the San Jose International Airport to the west. The Specific Plan area is also bisected by the Guadalupe Light Rail Transit Line, which runs along North First Street. The Plan sets out to create an urban mixed-use environment by promoting new residential development in close proximity to the large job base of North San Jose and alternative transportation facilities.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning on June 9, 2003. The mitigated Negative

Declaration was adopted on June 30, 2003. The primary issue addressed in the environmental review was the potential impact of road and light rail noise from North First Street and Gish Road on future residents of the apartments. Potential traffic impacts were also included in the analysis.

Noise

A noise report prepared by a qualified noise consultant included project specific recommendations for windows, screening walls/fences and general construction best management practices. With these mitigation measures, the impact of road noise and the operation of the light rail on the interiors of the proposed units will be reduced to a less-than-significant level to meet both the City of San Jose and the State of California Noise Insulation Standards for residential multi-family buildings.

The noise report acknowledges that the noise levels in the private open spaces located along a very urban street frontage will exceed the noise standards that are recommended in the General Plan. The report indicates that the open space would have average noise levels of 65 to 71 dBA. The General Plan recommends 55 dBA as the desirable maximum outdoor noise level for residential uses, but 76 dBA is considered the maximum level above which noise levels could be hazardous. However, the General Plan also recognizes that it is not always possible to achieve recommended standards for exterior noise when a project is located adjacent to a major thoroughfare, such as North First Street. The General Plan acknowledges that the city's goal of placing housing along light rail corridors results in housing in urban areas that are inherently noisy.

Traffic

The City's Public Works Department completed an in-house traffic analysis for the subject property. It was estimated that 26 multi-family residences would generate 18 Peak Hour Trips (PHT). With the exception of the intersection of North First Street and Sonora Avenue, all signalized intersections are currently operating primarily at a Level of Service (LOS) "A" or "B". The intersection of North First and Sonora has a Level of Service of "C". Based upon these estimates and the combination of the existing level of service and the low amount of peak hour traffic generated by the project, the Director Public Works has determined that the proposed project meets the City's Level of Service Policy.

GENERAL PLAN CONFORMANCE

A major goal of the Rincon South Specific Plan is to provide for the higher density residential and mixed-use projects in proximity to the North San Jose job base and the Metro and Gish Light Rail stations with direct links to Downtown. The site is designated Rincon South Specific Plan: Transit Corridor Residential and General Commercial. In the Specific Plan, this combination of designations was provided to encourage either high density residential, with a density of 25-65 dwelling units per acre or a vertical mixed-use development with commercial or retail on the first floor and residential above. The density of the project is approximately 38.8 DU/AC, which is consistent with the Rincon South Specific Plan and General Plan Land Use Designation.

ANALYSIS

The key issues with this project are conformance with the Rincon South Specific Plan and the Residential Design Guidelines, specifically: 1) site design and building orientation, 2) setbacks and neighborhood compatibility, 3) parking, and 4) open space.

Rincon South Specific Plan**Site Design and Building Orientation**

The proposed PD rezoning will allow the development of up to 26 multifamily attached residential dwelling units which are designed to provide the main entryways facing onto North First Street and the adjacent light rail station. The site's proximity and the building's orientation to the Gish Light Rail Station will make the project conveniently located for easy access from and to the light rail station. The building is massed towards the front setback to further integrate the project with the pedestrian and transit circulation routes along North First Street.

Balconies for the residential units are also articulated along North First Street in order to direct the residential activity away from the single-family residential rear yards located to the west of the project site. The three-story building will be separated from the existing single-family residences to the west of the site by a surface parking lot and perimeter landscaping with trees to screen and buffer the proposed units. As a result, the surface parking lot, trash enclosures and other equipment will be screened from public view along North First Street by the building. The three-story building will have a maximum height of 35 feet, the maximum height allowed in the Specific Plan along North First Street south of Sonora Avenue, and therefore conforms to the Specific Plan's recommended two to three stories.

Staff believes a high quality of architectural treatment is important for this project to help set the direction for future development to be compatible to the single-family residential uses in close proximity to North First Street.

Building Setbacks and Street Frontage Landscaping

The Specific Plan treats both the public right-of-way and private property frontages as a single unit, in order to establish a park-like network of sidewalks and landscaping to provide a comfortable separation between travel lanes and sidewalks. The Rincon South Specific Plan indicates a 27-foot setback along North First Street (see Figure 1).

The applicant has proposed a reduced (21-foot) setback along North First Street, which will include a 4-foot parkstrip with street trees, a 7-foot sidewalk area, and a 10-foot landscaped/front setback. The project also proposes a 10-foot setback along Gish Road with inset street trees consistent with the Rincon South Specific Plan. In considering the proposed reduced setback along North First Street, staff reviewed the site's limitations due to the parcel's shallow depth. In order to provide a larger front setback on First, it would be necessary to shift the building back on the site. Staff determined that the importance of recognizing the privacy concerns of the adjacent single-family residences located at the rear of the property was a priority over meeting the 27-foot front setback established in the Rincon South Specific Plan.

Therefore, staff has determined that the project is consistent with the setbacks concept established by the Rincon South Specific Plan in that the project still provides for a detached sidewalk, separated from the travel lanes on North First Street by a parkstrip, and provides a front yard setback area consistent with the Specific Plan.

Residential Design Guidelines**Parking**

San Jose's Residential Design Guidelines parking standards for residential projects require 1.5 parking spaces for each studio or one-bedroom unit. Per this ratio, a total of 39 parking spaces are required for the proposed 26 residential unit combination. The project will provide 43 parking spaces on-site, thereby exceeding the parking standard requirements set forth in Residential Design Guidelines

Residential Open Space

The Rincon South Specific Plan encourages the inclusion of useable open space into residential projects and recommends that the open space be provided at levels recommended in the Residential Design Guidelines. The Guidelines recommend 100 square feet of common open space per unit and 60 square feet of private open space per unit for clustered developments.

Because of project site constraints identified previously, the applicant is proposing to provide an amount of total common open space that is less than the required 2,600 square feet recommended by the Residential Design Guidelines for the entire project. However, the applicant will provide roughly 1,620 square feet of private open space above the 1,560 square feet recommended by the Residential Design Guidelines. The Guidelines allow for a reduction in common open space when extra private open space can be provided. The project qualifies for such a reduction in the amount of common open space as indicated in the Residential Design Guidelines.

CONCLUSION

As discussed above, the project is consistent with the type of development envisioned as a goal of the Rincon South Specific Plan and for development along a light rail corridor and is generally consistent with the Residential Design Guidelines.

PUBLIC OUTREACH

Notices for the Mitigated Negative Declaration and the public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. The applicant held a community meeting with the Rosemary Gardens Association and neighborhood on April 29, 2003 at the elementary school in the Rosemary Gardens neighborhood. Approximately 15 residents were in attendance at the meeting. The concerns raised by the residents at the community meetings included parking, project compatibility and impacts from rodents during the demolition phase of the project.

An overview of the project's site design and building orientation presented by the applicant at the meeting addressed the communities concerns regarding the projects compatibility with the adjacent community. The applicant also agreed to address the parking concerns by incorporating

additional parking spaces on site. In order to deal with the identified rodent problem on the project site, staff has worked with the applicant to incorporate mitigation measures to have the site treated for rodent and vector control prior to the demolition of the existing structures.

RECOMMENDATION

Planning staff recommends the Planning commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed project will be consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Rincon South Specific Plan: Transit Corridor Residential (25-65 DU/AC) and General Commercial.
2. The proposed project will conform to the goals and objectives Rincon South Specific Plan.
3. The project furthers the goals and objectives of the City's infill housing strategies and will promote transit usage.
4. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

c: John Moniz, HMM, Inc. P.O. Box 61150, San José, CA 95161

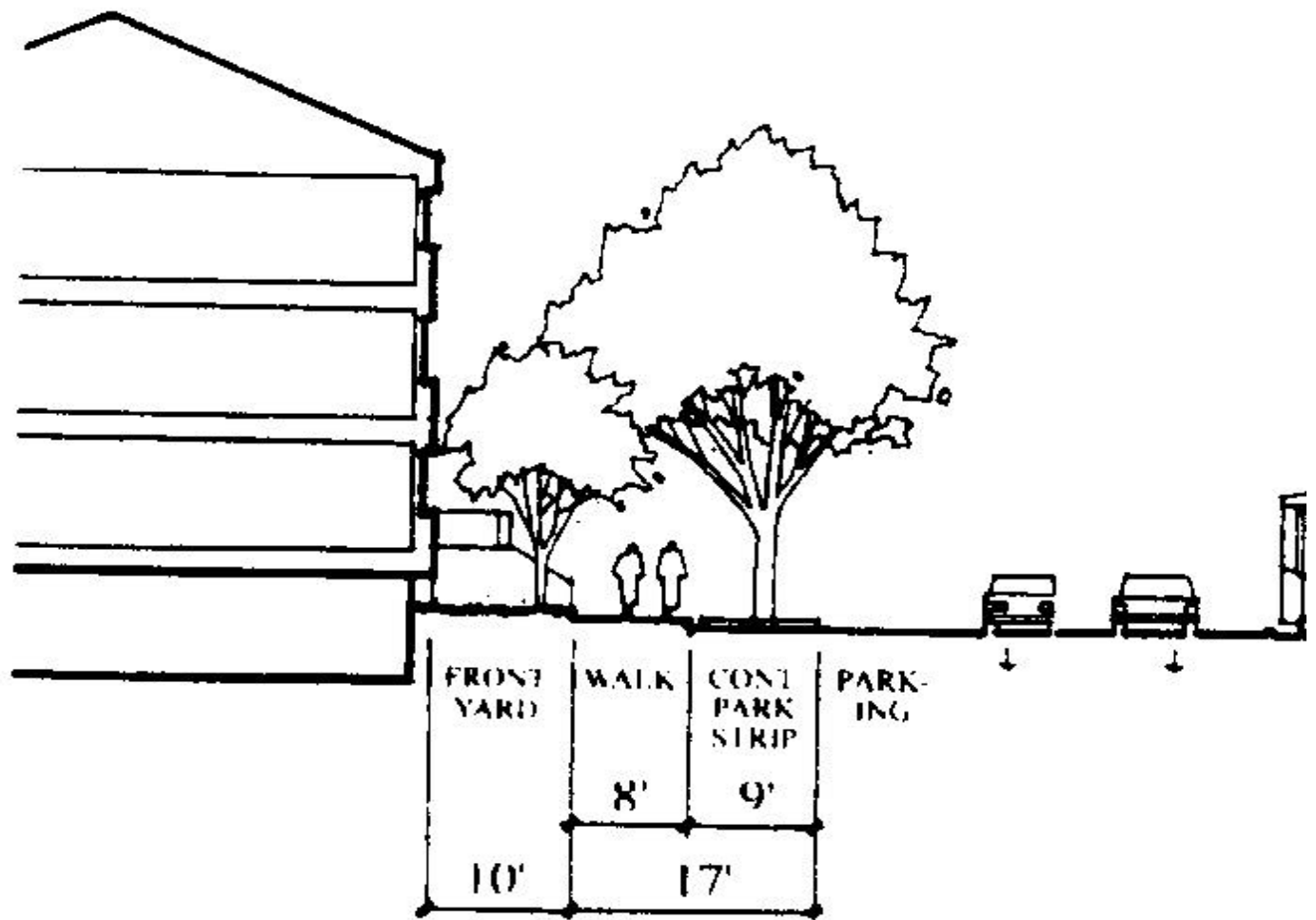


FIGURE 1 – NORTH FIRST STREET/RINCON SOUTH SPECIFIC PLAN